

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

FISCAL YEAR 2013-2014 BUDGET HEARINGS – TO BE HELD IN THE COUNCIL CHAMBERS (SUBJECT TO CHANGE)

Please Note: *Department budgets will generally be considered as listed below starting with the initial public hearing and continuing until council adopts the budget. Members of the public will be allowed to address the Council regarding the budget and will be allowed two (2) minutes. Please be advised consideration of some departments may be continued to the next scheduled hearing date if discussions run long, and other departments may be considered in advance of the date and time listed.*

June 10-	10:00 A.M.	Mayor-Budget Presentation; General Fund Overview; Personnel; Finance; General City Purpose; Fire; Information Services
June 11-	8:30 A.M.	PARCS; FYI; Convention Center; Police; FAX; Public Works; Public Utilities
June 12-	8:30 A.M.	Mayor/CMO; DARM; CDBG, HOME, NSP, ESG; City Clerk, City Attorney
June 13-	8:30 A.M.	Council Meeting-No Budget Hearings
June 14-	10:00 A.M.	Budget Overflow; All Requests/Questions to Administration
June 17-	8:30 A.M.	Administration to Respond to all Council Questions by this Date
June 18-	8:30 A.M.	Final motions by Council; Council vote on Motions
June 19-	8:30 A.M.	Budget Overflow; Final Motions; Council vote on Motions
June 20-	1:30 P.M.	Council Meeting-No Budget Hearings
June 21-	1:30 P.M.	Budget Overflow; Council vote on Motions
June 28-	8:30 A.M.	Final Day to Approve Budget
June 30-	8:30 A.M.	Balance Budget Required by Charter

June 6, 2013

8:30 A.M. ROLL CALL

Invocation by Pastor Will Stoll of the Northwest Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Acting President Brandau

Introduction of Downtown Fresno Ambassadors – Councilmember Baines

June 6, 2013

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION
AND MAY BE AMENDED AT ANYTIME**

Page 1

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least **24 hours prior** to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [May 23, 2013](#)

Action Taken:

Approve Joint Powers Financing Authority (JPFA) minutes of [May 23, 2013](#) - Members Baines, Swearengen and Xiong

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. [Approval of service agreement with River Partners for habitat restoration at Riverbottom Park and notice of unrecorded grant agreement \(*Property located in District 2*\) – PARCS](#)

Action Taken:

B. [Actions pertaining to Final Map of Tract No. 5982 \(*Property located in District 3*\) – Public Works Department](#)

1. Approving the Final Map of Tract No. 5982 and accepting the dedicated public uses offered therein

Action Taken:

2. **RESOLUTION** - Approving the Final Map of Tract No. 5982 and accepting the dedicated public uses offered therein

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- C. **Actions pertaining to Final Map of Tract No. 5963 (*Property located in District 6*) – Public Works Department**
1. Approving the Final Map of Tract No. 5963 and accepting the dedicated public uses offered therein
Action Taken:
 2. **RESOLUTION** - Approving the Final Map of Tract No. 5963 and accepting the dedicated public uses offered therein
Action Taken:
 3. Authorize the Public Works Director or his designee to execute the subdivision agreement and the covenant to prohibit the parking of vehicles on driveways on behalf of the City
Action Taken:
 4. Authorize the Director of Public Utilities or his designee to execute the covenant for special solid waste disposal services on behalf of the City
Action Taken:
 5. Authorize the Fire Chief of the Fire Department or his designee to execute the covenant for emergency access facilities on behalf of the City
Action Taken:
 6. Authorize the Development and Resource Management Director or his designee to execute the covenant deferring eligible development impact fees to the time of occupancy on behalf of the City
Action Taken:
- D. **RESOLUTION** - Of intention to annex Final Parcel Map No. 2011-10, Annexation No. 5, to City of Fresno Community Facilities District No. 9 and to authorize the levy of special taxes (*Property located in District 1*) (East side of N. Brawley Avenue between W. Gettysburg and Ashlan Avenues) – Public Works Department
Action Taken:
- E. **Approving the Final Map of Tract No. 5993 (*Property located in District 3*) – Public Works Department**
1. **RESOLUTION** - Approving the Final Map of Tract No. 5993
Action Taken:
 2. Authorize the Development and Resource Management Director or his designee to execute the covenant to defer the formulation of the condominium on behalf of the City
Action Taken:
- F. **Actions pertaining to the Pinedale Safe Route to School Sidewalk Gap Closure Project (*Property located in District 2*) – Public Works Department**
1. Adopt finding of Class 1 Categorical Exemption per staff determination, pursuant to Section 15301, Class 1, (c), of the CEQA Guidelines, for the Pinedale Safe Route to School Sidewalk Gap Closure Project
Action Taken:
 2. Award a construction contract in the amount of \$302,080.50 to Derrick Dickerson dba DOD Construction of Bakersfield, California for the Pinedale Safe Route to School Sidewalk Gap Closure Project and authorize the Public Works Director or his designee to sign the standardized contract on City's behalf
Action Taken:
- G. **Award a contract in the amount of \$184,700 to RDA Construction, Inc., for the construction of well site improvements at Pump Station 56A located at 415 E. San Jose Avenue (*Property located in District 4*) – Department of Public Utilities**
Action Taken:
- H. **Reject all proposals for weed abatement and nuisance abatement contractor – Development and Resource Management Department**
Action Taken:
- I. * **BILL NO. B-14 - (*Intro. 5/23/2013*) (*For adoption*)** - Amending Subsection (d) of Section 6-309 and amending Section 6-318 of the Fresno Municipal Code related to acceptance of hauled liquid waste at approved disposal facilities – Department of Public Utilities
Action Taken:

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

- A. Award a construction contract with Emmett's Excavation, Inc. of Clovis CA in the amount of \$7,455,672.10 for the large diameter water transmission main in southwest Fresno from the intersection of Belmont Avenue and Hughes Avenue to the proposed water storage tank site at "H" Street near Santa Clara Avenue and authorize the Public Works Director or his designee, to sign the standardized contract on the City's behalf ***(Property located in District 3)*** – Public Works Department
Action Taken:
- B. Award a contract in the amount of \$573,316 to Zim Industries, Inc., for the drilling and development of a production well at Pump Station 236A located at 765 E San Jose Avenue ***(Property located in District 4)*** – Department of Public Utilities
Action Taken:
- C. Actions pertaining to E. Herndon Avenue overlay ***(Property located in District 6)*** – Public Works Department
1. Adopt finding of Categorical Exemption, per staff determination pursuant to Section 15301 Class 1,(c) of the CEQA Guidelines, for the E. Herndon Avenue overlay, N. Blackstone Avenue to N. Cedar Avenue project
Action Taken:
 2. Award a construction contract in the amount of \$1,578,957.80 to Teichert & Son Inc., of Fresno CA for the E. Herndon Avenue overlay, N. Blackstone Avenue to N. Cedar Avenue project and authorize the Public Works Director to sign the standardized contract on City's behalf
Action Taken:
- D. Approve a new Freeway Agreement with the California Department of Transportation for State Highway Route 99 from El Dorado Street to 1.5 miles south of Herndon Avenue and authorize the Public Works Director or his designee to sign on City's behalf ***(Property located in Districts 1, 2, & 3)*** – Public Works Department
Action Taken:
- E. Authorize the City Manager or designee to execute the purchase and sales agreement with Uniwell Fresno Hotel, LLC, for the Schoettler Conference Center and adjacent parking garage located at 725 M Street for \$2.4 Million ***(Property located in District 3)*** – City Manager's Office
Action Taken:
- F. Actions pertaining to the upgrades to the FAX Compressed Natural Gas Fuel Station ***(Property located in District 3)*** - Transportation Department
1. Adopt a finding of Class 3 Categorical Exemption, pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act Guidelines
Action Taken:
 2. Award a contract for the base bid in the amount of \$1,151,886.00 to Clean Energy Inc. of Seal Beach, CA
Action Taken:
 3. Authorize the Director of Transportation or his designee to sign an agreement with Clean Energy Inc. on behalf of the City
Action Taken:
- G. **RESOLUTION** - Approving the reallocation of \$1,500,000 from the property/liability self-insurance fund contingency to fund refunds and claims and outside legal services – Personnel Services Department
Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

- H. Action pertaining to a joint agreement between the City of Fresno, Police Department, cities of Clovis, Huron, Coalinga, Mendota, Firebaugh, Kerman, Kingsburg, Reedley, Parlier, Fowler, Orange Cove, Selma, Sanger, and the County of Fresno, District Attorney's and Sheriff's Offices - Police Department
1. Authorize the Chief of Police to negotiate and enter into a joint agreement subject to City Attorney approval; between the City of Fresno, Police Department, cities of Clovis, Huron, Coalinga, Mendota, Firebaugh, Kerman, Kingsburg, Reedley, Parlier, Fowler, Orange Cove, Selma, Sanger, and the County of Fresno, District Attorney's and Sheriff's Offices
Action Taken
 2. Accept funding of \$1,019,594 from California Board of State and Community Corrections (BSCC)
Action Taken:
 3. * **RESOLUTION** - 47th amendment of the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$1,019,600 for front-line law enforcement operations into the fiscal year 2013 budget (***Requires 5 affirmative votes***)
Action Taken:
 4. * **RESOLUTION** - 2nd amendment to the Position Authorization Resolution (PAR) No. 2012-126
Action Taken:

3. **CITY COUNCIL**

4. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
Significant Exposure to Litigation:
1. Claim of Gary Simonian
Action Taken:
- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. Citizens for the Restoration of L Street v. City of Fresno, City Council of the City of Fresno, City of Fresno Development and Resource Management Department; Fresno Historic Preservation Commission; Does 1-5 [FFDA Properties, LLC; Granville Homes; Housing Authorities of the City and County of Fresno; Fresno Redevelopment Agency - RPI] Superior Court Case No. 11CECG04172
 2. City of Clovis, City of Fowler, City of Fresno, City of Kerman, City of Sanger v. County of Fresno, Office of the Fresno County Auditor-Controller Treasurer-Tax Collector, Vicki Crow, et al; Fresno County Superior Court Case No.: 08CECG03535 AMC; 5th District Appellate Court Case No. F060148
Action Taken:
- C. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - Government Code Section 54956.8.
Property: The City of Fresno v. The Discovery Center; Superior Court Case No. 7CECG01491
Negotiators: Bruce Rudd, Assistant City Manager
Under Negotiation: Amendment to the settlement agreement with the Discovery Center
Action Taken:

5. **CLOSED SESSION CONTINUED**

D. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6

City Negotiator(s): Bruce Rudd, Ken Phillips

Employee Organizations:

1. IUOE, Stationary Engineers, Local 39 (L39)
2. Fresno City Employees Association (FCEA)
3. International Association of Firefighters, Local 753 (Fire Basic)
4. Fresno Police Officers Association (FPOA Basic)
5. Amalgamated Transit Union, Local 1027 (ATU)
6. International Brotherhood of Electrical Workers, Local 100 (IBEW)
7. Fresno Police Officers Association (FPOA Mgmt)
8. International Association of Firefighters, Local 753 (Fire Mgmt)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. **HEARING** to adopt resolutions and ordinance to amend Annexation No. 31, Final Tract Map No. 5358, by adding territory and changing the types of services and the maximum special tax regarding City of Fresno Community Facilities District No. 11, **(Property located in District 2)** (North side of Spruce Avenue extending to the River Bluff, between N. Riverside Drive and Thiele Avenue) – Public Works Department

Action Taken:

- a. **RESOLUTION** –Annexing additional territory to Community Facilities District No. 11, changing the services and authorizing the levy of an amended special tax

Action Taken:

- b. **RESOLUTION** – Calling a special mailed-ballot election

Action Taken:

- c. **RESOLUTION** – Declaring election results

Action Taken:

- d. * **BILL** – Amending Ordinance 2008-63 and levying amended special tax

Action Taken:

10:30 A.M. **HEARING** to consider Rezone Application No. R-13-001 and related environmental finding for Environmental Assessment No. R 13-001/C-13-001, filed by Bill Robinson of Sol Development on behalf of John Ashley of Baronet and Company for property located on the east side of N. Cecelia Avenue between W. Ellery Way and W. Sierra Avenue **(Property located in Council District 2)** – Development and Resource Management Department

Action Taken:

1. Consider the Finding of Conformity prepared for Environmental Assessment No. R-13-001/C-13-001

Action Taken:

2. **BILL** - Amending the Official Zone Map to rezone the subject property from the R-1/UGM/cz (Single Family Residential/Urban Growth Management/conditions of zoning) zone district to the R-2/UGM/cz (Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning) zone district

Action Taken:

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

June	13 -	8:30 A.M.	MEETING
June	20 -	1:30 P.M.	MEETING
June	27 -	8:30 A.M.	MEETING
July	4 -	COUNCIL VACATION	
July	11 -	COUNCIL VACATION	
July	18 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 5 (Final Parcel Map No. 2011-10) (Property located in District 1) (east side of N. Brawley Avenue between W. Gettysburg and Ashlan Avenues)
July	18 -	10:15 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 49 (Final Tract Map No. 5932) (Property located in District 5) (southwest corner of E. Fancher Creek Drive and S. Sunnyside Avenue) – Public Works Department
July	18 -	10:30 A.M.	HEARING re: Rezone Application No. R-13-004, filed by Bradley Stienberger
July	25 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 50 (Final Tract Map No. 5599) (Council District 1) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue)

UPCOMING EMPLOYEE CEREMONIES

Aug.	15 –	1:30 P.M.	Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (Reception immediately following - 2nd floor foyer)
Oct.	23 – (Weds.)	2:00 P.M.	Employee Service Awards Ceremony (Reception immediately following - 2nd floor foyer)